THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.9784 of 2006

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DATED: 24-05-2006

Between:

C.Babu Reddy . . .Petitioner

and

The Union of India and others . . .Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioner was awarded a contract to Build, Operate and Transfer a road of 5 kilometers, between K.M.Nos.46 and 47 on National Highway No.205, particularly, with an object of bye passing the Railway Gates. He was entitled to collect Toll for a period of five (5) years after such construction. He states that the construction was delayed on account of lapse on the part of the second respondent in securing possession of some property to be covered by a road and though the road was to be completed in the normal course in 1998, it could be operated only in 2000. The existing contract for collection of Toll is valid up to
29-05-2006. The petitioner claims to have made a representation, dated 01-04-2006, to respondents 1 and 2 with a prayer to extend the life of the contract period to compensate the loss sustained by him. His grievance is that no action has been taken thereon and in the meanwhile, steps are being taken to conclude the Toll Gate contract.

The second respondent filed a counter affidavit denying the allegations of the petitioner. It is stated that the petitioner had the benefit of operating the Toll for the contracted period and he is not entitled for extension of the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The dispute raised in this petition is purely contractual in nature. The question as to whether the petitioner is entitled to any extension of privilege to operate

the Toll cannot be decided in this petition. It is evident that the existing contract is coming to an end with effect from 01-06-2006. The representation made by the petitioner deserves to be disposed of before that date.

Hence, the writ petition is disposed of directing respondents 1 and 2 to pass appropriate orders on the representation, dated 01-04-2006, submitted by the petitioner, before 29-05-2006. In case the respondents find it difficult to dispose of the representation before that date, they shall examine and consider the feasibility of extending the contract to the petitioner for any reasonable period. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

25th MAY, 2006.

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